

SN. 09/651,654

ATTORNEY DCKET NO. CANO:013

REMARKS

Claims 1-3, 6-9, 12-15, and 18-22 are now pending in this application for which applicant seeks reconsideration.

Amendment

Claim 20 has been amended to add the language "computer-implemented" in the preamble to overcome the § 112 and § 101 rejections. Nonetheless, applicant submits the § 112 and § 101 rejections are improper because 1) the method is clearly set forth in the present disclosure and 2) the claimed method steps do in fact provide tangible results or provide a practical application, namely outputting search results in a particular manner.

New claim 22, which is similar to claim 1 without using "means-plus-function" language, has been added. No new matter has been introduced.

Art Rejection

Claims 1-3, 6-9, 12-15, and 18-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sano (USP 5,038,379) in view of Jones (USP 6,415,302). Applicant traverses this rejection because the combination urged by the examiner would not have taught outputting images in the order according to a plurality of levels of importance of the keyword associated with a plurality of different images, as set forth in the Independent claims.

The examiner acknowledged that Sano would not have taught searching images based on the level of importance of the keywords in relation to the content of the images being searched. The examiner thus relied upon Jones (specifically paragraph 11, lines 52-60) for the proposition that searching images based on the level of importance of the keywords in relation to the content of the images being searched would have been obvious.

As previously explained, Jones merely discloses displaying part of a record, based on the level of importance, by selecting the next/previous story icon. Jones essentially discloses selecting the next/previous story icon to display the story with the next lower or higher level of importance on the same page, but not between different pages. Jones discloses only a particular story on one page. That particular story does not exist on any other page. Accordingly, the level of importance of each of the stories does not differ from page to page. Thus, Jones would not have taught searching based on the level of importance of each of stories with respect to different pages. Applicant thus explained previously that the combination would not have taught outputting images in the order according to a plurality of levels of

SN. 09/651,654

ATTORNEY DOCKET NO. CANO:013

importance of the keyword associated with a plurality of different images, as set forth in the pending independent claims.

The examiner, however, continues to assert that, because Sano teaches searching different images while Jones teaches the level of importance, the combination would have taught searching different images in the order according to a plurality of levels of importance of the keyword associated with a plurality of different images. Applicant disagrees to the extent that, even if the examiner's contention were correct, for argument's sake, the applied references simply would not have provided the necessary motivation for the combination. Indeed, neither the examiner nor the applied references provide any viable motivation for searching and outputting according to the level of importance of the keyword associated with the different images, as set forth in the pending claims. No nexus simply exists between searching different images as taught by Sano and the level of importance as taught by Jones. Thus, the combination would not have suggested outputting images in the order according to a plurality of levels of importance of the keyword associated with a plurality of different images.

If the examiner decides to apply the same references, applicant requests another interview to discuss how the examiner is deriving the motivation for the combination. Applicant will contact the examiner in due course.


Conclusion

Applicant submits that the pending claims patentably distinguish over the applied references and that this application is in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE


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